

# PROPOSED CONSTITUTIONAL AMENDMENTS

## SENATE JOINT RESOLUTIONS

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### S.J.R. No. 1

#### A JOINT RESOLUTION

proposing a constitutional amendment to provide for the transfer of certain general revenue to the economic stabilization fund and to the state highway fund and for the dedication of the revenue transferred to the state highway fund.

#### *BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:*

SECTION 1. Section 49-g, Article III, Texas Constitution, is amended by amending Subsections (c), (d), and (e) and adding Subsections (c-1) and (c-2) to read as follows:

(c) Not later than the 90th day of each fiscal year, the comptroller of public accounts shall transfer from *the general revenue fund* to the economic stabilization fund *and the state highway fund the sum of the amounts described* ~~prescribed~~ by Subsections (d) and (e) of this section, *to be allocated as provided by Subsections (c-1) and (c-2) of this section.* However, if necessary and notwithstanding the allocations prescribed by Subsections (c-1) and (c-2) of this section, the comptroller shall reduce proportionately the amounts described by Subsections (d) and (e) of this section to be transferred and allocated to the economic stabilization fund to prevent the amount in *that the* fund from exceeding the limit in effect for that biennium under Subsection (g) of this section. *Revenue transferred to the state highway fund under this subsection may be used only for constructing, maintaining, and acquiring rights-of-way for public roadways other than toll roads.*

(c-1) *Of the sum of the amounts described by Subsections (d) and (e) of this section and required to be transferred from the general revenue fund under Subsection (c) of this section, the comptroller shall allocate one-half to the economic stabilization fund and the remainder to the state highway fund, except as provided by Subsection (c-2) of this section.*

(c-2) *The legislature by general law shall provide for a procedure by which the allocation of the sum of the amounts described by Subsections (d) and (e) of this section may be adjusted to provide for a transfer to the economic stabilization fund of an amount greater than the allocation provided for under Subsection (c-1) of this section with the remainder of that sum, if any, allocated for transfer to the state highway fund. The allocation made as provided by that general law is binding on the comptroller for the purposes of the transfers required by Subsection (c) of this section.*

(d) If in the preceding year the state received from oil production taxes a net amount greater than the net amount of oil production taxes received by the state in the fiscal year ending August 31, 1987, the comptroller shall transfer *under Subsection (c) of this section and allocate in accordance with Subsections (c-1) and (c-2) of this section to the economic stabilization fund* an amount equal to 75 percent of the difference between those amounts. The comptroller shall retain the remaining 25 percent of the difference as general revenue. In computing the net amount of oil production taxes received, the comptroller may not consider refunds paid as a result of oil overcharge litigation.

(e) If in the preceding year the state received from gas production taxes a net amount greater than the net amount of gas production taxes received by the state in the fiscal year ending August 31, 1987, the comptroller shall transfer *under Subsection (c) of this section and allocate in accordance with Subsections (c-1) and (c-2) of this section to the economic stabilization fund* an amount equal to 75 percent of the difference between those amounts. The comptroller shall retain the remaining 25 percent of the difference as general revenue. For the purposes of this subsection, the comptroller shall adjust *the his* computation of revenues to reflect only 12 months of collection.

SECTION 2. The following temporary provision is added to the Texas Constitution:

*TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 83rd Legislature, 3rd Called Session, 2013, to provide for the transfer of certain general revenue to the economic stabilization fund and to the state highway fund and for the dedication of the revenue transferred to the state highway fund.*

*(b) The amendment to Section 49–g, Article III, of this constitution takes effect immediately on the final canvass of the election on the amendment. If, between September 1, 2014, and the effective date of that constitutional amendment, the comptroller of public accounts has transferred from general revenue to the economic stabilization fund amounts in accordance with Subsections (c), (d), and (e) of that section, as those subsections existed at the time of the transfer, as soon as practicable after the effective date of the amendment, the comptroller shall return the transferred amounts from the economic stabilization fund to general revenue and transfer from general revenue to the economic stabilization fund and the state highway fund amounts in accordance with the amended provisions and in accordance with general law, notwithstanding the requirement of Subsection (c) of that section that the transfers for that fiscal year be made before the 90th day of the fiscal year beginning September 1, 2014.*

*(c) This temporary provision expires January 1, 2017.*

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 4, 2014. The ballot shall be printed to permit voting for or against the proposition: “The constitutional amendment providing for the use and dedication of certain money transferred to the state highway fund to assist in the completion of transportation construction, maintenance, and rehabilitation projects, not to include toll roads.”

Adopted by the Senate on July 30, 2013: Yeas 22, Nays 3; adopted by the House on August 5, 2013: Yeas 106, Nays 21, one present not voting.

Filed with the Secretary of State August 6, 2013.